

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

#2 | Prior Art  
sent  
3/05/01

Inventors

James F. McGUCKIN, JR.

Serial No.

09/697,306

Filed

October 27, 2000

For

METHOD AND APPARATUS FOR  
ENDOLUMENTALLY RESECTIONING TISSUE

Group Art Unit

3731

Assistant Commissioner for Patents

Washington, DC 20231

**INFORMATION DISCLOSURE STATEMENT**

**UNDER 37 C.F.R. §§ 1.56 AND 1.97**

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Sir:

The above-identified application is a Continuation of Application No. 08/988,052 filed December 10, 1997, which is itself a Continuation of Application No. 08/352,325 filed December 07, 1994 and which has issue as US Patent No. 5,868,760. In accordance with the duty of disclosure imposed by 37 C.F.R. § 1.56 to inform the Patent Office of all references coming to the attention of Applicants or attorneys for Applicants which are or may be material to the patentability of any claim of the instant application, attorneys for Applicants hereby direct the Examiner's attention to the following references:

References 1-39 and 43 to 56, listed in the revised form PTO/SB/08A submitted herewith, were submitted in connection with the prosecution of Application No. 08/988,052 in an Information Disclosure Statement filed April 29, 1998.

References 40-42, listed in the revised form PTO/SB/08A, submitted herewith were cited by the Examiner in connection with the prosecution of Application No. 08/988,052 in an Office Action dated November 10, 1998.

Pursuant to 37 C.F.R. § 1.98(d), and additionally so as to not overburden the Patent Office files, no copies of the References 1-56 are included herein, as such copies are available in the file of Application No. 08/988,052. However, copies of the identified references will be provided upon the Examiner's request.

Identification of the foregoing references is not to be construed as an admission of Applicant or Attorneys for Applicant that such references are available as "prior art" against the instant application.

Applicant respectfully requests that the Examiner review the foregoing references and that the references be made of record in the file history of the instant application.

As this Information Disclosure Statement is being filed before the mailing date of a first Office Action on the merits, no fee is believed due, as provided under 37 C.F.R. § 1.97(b)(3). If a fee is required, please charge the required amount to Kenyon & Kenyon Deposit Account No. 11-0600

Respectfully submitted,

Date: February 28, 2001

A handwritten signature in black ink, appearing to read 'Timothy Devlin', written over a horizontal line.

Timothy Devlin  
Reg. No. 41,706

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